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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,699

10/22/2003

Hiroshi Kainuma

TOC-0007

4633

23353 7590 12/26/2006
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WASHINGTON, DC 20036

EXAMINER

WEINSTEIN, LEONARD J

ART UNIT

PAPER NUMBER

3746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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2 MONTHS

12/26/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/689,699

Applicant(s)

KAINUMA ET AL.

Examiner

Leonard J. Weinstein

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3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/22/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species 1 of figure 1 and claims 1, 2, 4, and 5 in the reply filed on December 1, 2006 is acknowledged. The traversal is on the ground(s) that searching the non-elected species does not pose an undue burden. This is not found persuasive because the proper traversal of an election of species requirement is a showing or admission that the different species are obvious variants of one another. Additionally the examiner notes that the various disclosed species actually require additional and separate fields of search in addition to the consideration of the differing structural arrangements.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3 and 6 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 1, 2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumagai et al. 6,250,600 B1. Kumagai discloses all the limitations as claimed including: a control valve for a variable capacity compressor 50 comprising a bellows main body 67, retained as a pressure

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sensing element in a bellows case 66 with an airtight structure, and transfers expansion and contraction of the bellows main body in response to a variation in inlet pressure 72 of a variable capacity compressor to a valve element 61 through a valve rod, 65 and 77, supported to be movable in a valve lifting direction from a valve housing 54 integral with said bellows case to thereby change a valve opening degree, a patch member, 69 of 71, is provided to a movable-side end portion of the bellows main body and is formed with a fitting recessed portion 78; a valve rod being fitted to be able to float in the fitting recessed portion and a compression coil spring 70 disposed between the patch member and a lower patch member 68 for supporting a fixed-side end portion of the bellows main body; and a bottom portion of the fitting recessed portion forming a stopper face portion 71a that can come in contact with a stopper face portion formed at a central portion 75 of the lower patch member.

5. Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi 6,179,572 B1. Taguchi discloses all the limitations of the invention as claimed including: a control valve for a variable capacity compressor 7, comprising a bellows main body 77 retained as a pressure sensing element in a bellows case 57 with an airtight structure, and transfers expansion and contraction of the bellows main body in response to a variation in inlet pressure 83 of the variable capacity compressor to a valve element 67 through a valve rod 61 supported to be movable in a valve lifting direction from a valve housing 63 integral with the bellows case to thereby change a valve opening degree; a patch member, T shaped member connected to bottom of element 73 which forms a fitting recessed portion, is provided to a movable-side end portion of the bellows main body 77; a valve rod being fitted to be able to float in the fitting recessed portion 73 and a compression coil spring 79 disposed between the patch member and a lower patch member, T shaped member attached to the bottom of bellows 77 main body, for

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supporting a fixed-side end portion; a contact end portion of a valve rod 81 in contact with the fitting recessed portion 73 in a substantially central position in the expanding/contracting direction of the bellows main body; a fixed-side end portion of a bellows main body mounted to the lower patch member substantially in the same shape as the patch member with a lower T shaped member attached to bellows 77; a side face of the lower patch member supported on a support tube portion formed to stand from the bellows case 55; a stopper face portion formed at a central portion of the lower patch member, top-center area of lower T shaped member attached to bellows, supported on a support portion extending from an adjusting screw 75 member.

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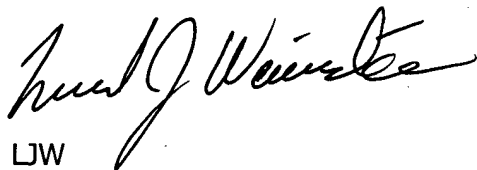
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form 892 herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

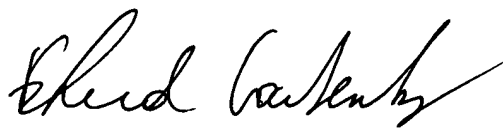
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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**EHUD GARTENBERG
SUPERVISORY PATENT EXAMINER**